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## **ASSEMBLY — 36TH SESSION**

### **REPORT OF THE TECHNICAL COMMISSION ON AGENDA ITEMS 25, 26 AND 27**

(Presented by the Chairman of the Technical Commission)

The attached report on Agenda Items 25, 26 and 27 has been approved by the Technical Commission. Resolutions 26/1 and 27/1 are recommended for adoption by the Plenary.

*Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.*

(12 pages)

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**Agenda Item 25: Follow-up of the DGCA/06 Conference on a Global Strategy for Aviation Safety****25.1 Implementation of the DGCA/06 Recommendations**

25.1.1 The Commission reviewed A36-WP/63 presented by the Council, with its addendum containing a progress report on actions being taken on the recommendations of the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety (DGCA/06), held in 2006. The WP provided information on the implementation of recommendations directed to States and outlined the follow-up action on recommendations addressed to ICAO. Addendum 1 to A36-WP/63 outlined the future work of the Council on the review of ICAO Annex provisions structure and development process, including safety critical Standards. The Commission noted the information provided in A36-WP/63.

**25.2.2 ICAO Standards, Recommended Practices and Procedures**

25.2.3 The Commission considered A36-WP/50 presented by Portugal, on behalf of the European Community and its Member States, by the other States Members of the European Civil Aviation Conference, and by EUROCONTROL. WP/50 recalled that the ICAO Universal Safety Oversight Audit Programme (USOAP) had raised awareness of the problems faced by many States in attempting to comply with their obligations under the Chicago Convention. It discussed the complexity of the Annex provisions structure and Standards and Recommended Practices (SARPs) system and offered suggestions for future work, based on a draft Resolution for adoption by the Assembly.

25.2.4 The Commission reviewed A36-WP/239 presented by the Kingdom of Saudi Arabia and the Member States of the Arab Civil Aviation Commission (ACAC). The paper proposed a review of the procedure for adopting International SARPs. It called upon the Council to develop a mechanism that allows a wider participation of the Contracting States so that they can express views regarding amendments proposed to the Annexes of the Chicago Convention. The paper also proposed the adoption of a basic methodology for introducing substantive modifications to the international civil aviation system.

25.2.5 The Commission considered A36-WP/246 by the Civil Air Navigation Services Organization (CANSO). The paper also discussed the complexity of the present SARPs and made several suggestions. In view of the trend in many States to separate air navigation service provision from the regulatory oversight function, there was a greater need for collaboration between the regulatory community and regulated industry in the development and implementation of SARPs. The paper stated that ICAO SARPs should provide a basis for industry to elaborate and collaborate on how the application of those SARPs will be expressed in technical Standards.

25.2.6 Some delegates considered that the setting of International Standards by the industry, as proposed in A36-WP/246, could disadvantage some States as the process used by industry does not follow the ICAO process of worldwide consultation. The Commission agreed that the adoption of International Standards under the Convention on International Civil Aviation remains the responsibility of ICAO.

25.2.7 The Commission, noting the future work of the Council on the review of the Annex provisions structure and development process as presented in the Addendum 1 to A36-WP/63, felt that the ideas raised during the discussion and in the working papers, notably A36-WP/50, A36-WP239 and A36-WP/246, would be very useful for the Council to advance its work. In particular, the Commission urged the Council to take account of the draft resolution proposed in A36-WP/50, the key proposals of which were:

- a) to identify key risks and define mitigating measures which should form the basis of future USOAP audits and from which filing of differences should be permissible only in exceptional circumstances;
- b) to place more detailed, technical provisions in attachments or related guidance material; and
- c) to revise the existing Annex structure in order to reduce its complexity and make clearer the purpose of the different SARPs.

The Commission felt that these proposals might form part of amended terms of reference for the review of Annex provisions and amendment process. However, several delegates expressed doubts on the need to establish a new Annex on safety oversight. It was suggested that an alternative would be to include safety oversight provisions in relevant Annexes in a manner similar to what had already been done in Annex 6. It was also suggested that an independent review of the Standards making process be undertaken including a comparison with other international organizations.

25.2.8 In agreeing with the course of action above, the Commission noted that the resource requirement for this additional work would need to be considered by the Council.

### 25.3 **Managing Compliance with ICAO SARPs**

25.3.1 The Commission noted the information contained in A36-WP/245 presented by the Republic of Korea. The paper described the development and functions of a database tool to track and manage ICAO SARPs implementation. The tool is provided free of charge to other States and could benefit from an interface with the Universal Safety Oversight Audit Programme database. The Secretary indicated that additional resources would be required to adapt the software application to be interoperable with ICAO applications, such as the upcoming electronic system for notification and reporting of differences, and that support by Contracting States in this regard would be welcomed.

### 25.4 **Sharing of Safety Information**

25.4.1 The Commission was presented with A36-WP/201 by Colombia, which emphasized the importance of the DGCA/06 Conclusion 2/1 d), referring to the sharing of airworthiness information. The Commission noted that ICAO now had the resources to conduct the feasibility study of establishing a database application for Contracting States to share airworthiness information. The Commission also noted the proposal by Colombia that States contribute experts, if possible, to assist in this work.

**25.5 ICAO Safety Evaluations/Audits of International Air Operators**

25.5.1 The Commission considered A36-WP/89 presented by the United States. WP/89 discussed the aspect of Recommendation 2/5 of the DGCA Conference to provide direct assistance, using a pool of international inspectors and safety experts, to non-compliant States and to their international air operators. The latter role to assist operators would involve safety evaluations/audits of these operators so that, if the results were satisfactory, such operators would not face restrictions by other States, due to the shortcomings of their own States' safety oversight. WP/89 stated that such a role would detract from foreign air operator oversight; moreover, ICAO would dilute its own efforts to assist States, if it would assume a new and inappropriate role that must instead be performed by Contracting States in their roles as States of the Operator. The Commission agreed that ICAO should not engage further in the study on direct assistance to air operators.

25.5.2 The Commission noted A36-WP/56, presented by the Interstate Aviation Committee.

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**Agenda Item 26: Recognition of certificates and licences issued by other States**

**26.1 Recognition of certificates and licences issued by other States**

26.1.1 The Commission considered A36-WP/13, A36-WP/124 presented by Pakistan and A36-WP/248 presented by Australia.

26.1.2 A36-WP/13 presented by the Council, outlined issues associated with the recognition of Air Operator Certificate (AOC) and those associated with the foreign operations. The paper included a draft Assembly Resolution on State recognition of the AOC of foreign operators and the surveillance of their operations. The surveillance of foreign operators is a State responsibility. The proposed Resolution reminded States of the need of such a surveillance, for which States should establish requirements and procedures as well as a process for taking action when necessary to preserve safety. As a further safety measure, States were urged to include a clause on aviation safety in their bilateral agreements on air services. The proposed Resolution also urged States to establish operational requirements governing the admission of foreign air operators within their territories, taking into account their impact on the orderly development of international civil aviation, and the associated cost and burden.

26.1.3 The Commission noted that there had been a proliferation of new requirements under which operators from a State must submit detailed operational information to other States and sometimes obtain operations specifications from those States. These requirements illustrated the difficulties associated with the recognition as valid of the AOC issued by another State. The proposed Resolution reinforced the Annex 6, Parts I and III, Section II Standard covering such recognition, and called on ICAO to continue developing guidelines and procedures for the recognition as valid of certificates and licences.

26.1.4 A delegation expressed the need for timely preparation of the guidance material related to procedures to verify the conditions for recognition as valid of certificates and licenses.

26.1.5 In view of the discussion, the Commission submits, for adoption by the plenary, the following resolution:

**Resolution 26/1: State Recognition of the Air Operator Certificate of Foreign Operators and Surveillance of their Operations**

*Whereas* the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States fulfil their obligations in implementing the Standards and Recommended Practices as far as practicable and in adequately performing safety oversight;

*Whereas* Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

*Recalling* that recognition as valid of certificates and licences of other Contracting States is governed by Article 33 of the Convention and applicable Standards;

*Recalling* that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Recalling* Assembly Resolution A35-7, which, inter alia, urged Contracting States to share critical safety information and reminded them of the need for surveillance of all aircraft operations;

*Recalling* the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety in 2006, that called upon States to base the recognition as valid of certificates and licences of other States exclusively on safety considerations and not for the purpose of gaining economic advantage; and recommended, inter alia, that:

- a) ICAO should develop guidelines and procedures to assist States in securing the highest practicable degree of uniformity in the recognition of certificates and licences as valid and in the surveillance of foreign aircraft operations in their territory;
- b) States should establish operating rules, in accordance with the Convention and on a non-discriminatory basis, governing the admission and surveillance of foreign air operators within their territories;
- c) States should include a safety clause in their bilateral air service agreements based on the model safety clause developed by ICAO.

*Whereas* the Convention establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly and harmonious manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

*Recognizing* that the non-harmonization of operational requirements and measures governing admission of air operators from other States may have a detrimental impact on the safety, efficiency and regularity of their operations; and

*Recognizing* that the uncoordinated development of national policies and programmes for the surveillance of air operators from other States could hinder the role of international civil aviation in socioeconomic development;

*The Assembly:*

1. *Reminds* Contracting States of the need for exercising safety oversight of their operators in full compliance with applicable SARPs, as well as assuring themselves that foreign operators flying in their territory receive adequate oversight from their own State and taking appropriate action when necessary to preserve safety;

2. *Urges* all Contracting States to establish requirements and procedures for the authorization and surveillance of operations by an operator certificated by another Contracting State, and to take appropriate action when necessary to preserve safety;

3. *Urges* all Contracting States to insert into their bilateral agreements on air services a clause on aviation safety, taking into account the model clause attached to the Resolution adopted by the Council on 13 June 2001;

4. *Urges* Contracting States to recognize as valid the Air Operator Certificate (AOC) issued by other Contracting States for the purpose of flight over their territories, including landings and take-offs, provided that the requirements under which the certificate was issued are equal to or above the minimum applicable Standards specified in Annex 6, Parts I and III, Section II;

5. *Urges* the Secretary General to continue to develop guidelines and procedures to verify the conditions for recognition as valid of certificates and licences, in keeping with Article 33 of the Convention and applicable Standards;

6. *Urges* Contracting States to establish operating rules governing the admission of foreign air operators within their territories, in accordance with the Convention and on a non-discriminatory basis, and in harmonisation with ICAO Standards, guidelines and procedures, having due regard to the need to minimize the cost and burden to the Contracting States and to the operator;

7. *Urges* Contracting States to refrain from unilateral implementation of specific operational requirements and measures governing admission of operators from other Contracting States which would adversely affect the orderly development of international civil aviation.

26.1.6 A36-WP/124, by Pakistan, proposed an enhanced ICAO role for aviation safety, as it relates to surveillance of foreign operators by States and regional groups. The Commission noted that the surveillance of foreign operators is a State responsibility.

26.1.7 A36-WP/248, presented by Australia, proposed that ICAO develop an international register of air operator certificates (AOCs) to enable the timely and efficient conduct of the surveillance of foreign air operators in line with the responsibility of States to promote the safety of air operations within their territories. In addition, the establishment of such a register could significantly reduce the burden to airlines associated with maintaining air operator certificate information current on each of their international aircraft. Prior to developing the AOC register, ICAO would need to explore and identify the means to fund this initiative. The Commission supported the proposal that, contingent upon the availability of funding, ICAO develop an international register of AOCs that provides transparency to Contracting States of the validity and currency of AOCs and the compliance integrity of the relevant oversight authority.

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## **Agenda Item 27: ICAO Global Aviation Safety Plan**

### **27.1 New version of the ICAO global aviation safety plan**

27.1.1 The Commission reviewed A36-WP/47, presented by the Council of ICAO which presented the new version of the Global Aviation Safety Plan (GASP) as accepted by Council on 18 July 2007. The new version of GASP integrates the Global Aviation Safety Roadmap developed, at the request and with the support of ICAO, by major stakeholders of the Industry working as the Industry Safety Strategy Group (ISSG) (Airbus, Boeing, Airports Council International (ACI), Civil Air Navigation Services Organization (CANSO), International Air Transport Association (IATA), International Federation of Air Line Pilots' Associations (IFALPA) and Flight Safety Foundation (FSF)). A36-WP/47 also included a proposed Assembly resolution on the global planning process. The objective of this recommendation was to establish a set of high-level policies that would endorse and strengthen ICAO's approach to global planning under its safety and efficiency Strategic Objectives A and D.

27.1.2 The International Business Aviation Council (IBAC) noted that the business aviation sector had not been included in the development of the Roadmap, but expressed its full support of GASP and the Roadmap. IBAC proposed that the Business Aviation Safety Strategy that was developed by IBAC, its member associations and the Flight Safety Foundation, be taken into account in the further development of the GASP.

27.1.3 A36-WP/202, presented by Colombia outlined details of a seminar/workshop that would be organized in October 2007 in Colombia to disseminate and use the Global Aviation Safety Roadmap and suggested that such approach be used by other Regions. The Commission noted that this paper was essentially supportive and complimentary to A36-WP/47.

27.1.4 The Commission also noted the information provided by Australia in A36-WP/181 on the implementation of the Global Aviation Safety Roadmap by several States of the Asia Pacific Region in the ATM area.

27.1.5 In view of the discussion, the Commission submits, for adoption by the Plenary, the following resolution:

### **Resolution 27/1: ICAO Global Planning for Safety and Efficiency**

*Whereas* ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Contracting States and other stakeholders;

*Whereas* to realize this goal, the Organization has established Strategic Objectives in the fields of, inter alia, safety and efficiency;

*Recognizing* the importance of a global framework to support the Strategic Objectives of ICAO;



*Recognizing* the importance of regional and national plans and initiatives based on the global framework for effective implementation; and

*Recognizing* that further progress in improving global safety and efficiency of civil aviation is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders under the leadership of ICAO;

*The Assembly:*

1. *Resolves* that ICAO shall implement and keep current the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP) to support the relevant Strategic Objectives of the Organization;

2. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;

3. *Resolves* that these global plans shall provide the framework in which regional, sub-regional and national implementation plans will be developed and implemented thus ensuring harmonization and coordination of efforts aimed at improving international civil aviation safety and efficiency;

4. *Calls* upon States and *invites* other stakeholders to cooperate in the development and implementation of regional, sub-regional and national plans based on the framework of the global plans;

5. *Instructs* the Council to provide a report on the implementation and evolution of the global plans to future regular sessions of the Assembly; and

6. *Instructs* the Secretary General to make available the global plans on the ICAO public website.

7. *Declares* that this Assembly resolution supersede Assembly Resolution A33-16 on the ICAO Global Aviation Safety Plan (GASP).

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## APPENDIX A

### Global Aviation Safety Plan

*Reaffirming* that the primary objective of the Organization continues to be to improve the safety of international civil aviation worldwide;

*Recognizing* that safety is a shared responsibility involving ICAO, Contracting States and all other stakeholders;

*Recognizing* the safety benefits that can be drawn from partnerships between States and industry such as the Commercial Aviation Safety Team (CAST), the European Strategic Safety Initiative (ESSI), the Pan-American Aviation Safety Team (PAAST) and the African and Indian Ocean Islands Safety Enhancement Team (ASET);

*Recognizing* that there is a need for the safety framework to continuously evolve to ensure its sustained effectiveness and efficiency in the changing regulatory, economic and technical environment;

*Noting* that the expected increase in international civil aviation traffic will result in an increasing number of aircraft accidents unless the accident rate is reduced;

*Realizing* the need to maintain the public's confidence in air transport;

*Recognizing* that a proactive approach in which safety risks are identified and managed is of paramount importance to the achievement of further improvements in aviation safety;

*Noting with satisfaction* the Global Aviation Safety Roadmap as developed by key industry partners acting as the Industry Safety Strategy Group (ISSG) with ICAO and which forms the basis for the Global Aviation Safety Plan;

*Noting* the intent to continuously apply the Global Aviation Safety Plan as a tool to enhance safety by focusing action where it is most needed;

*Noting* the unified strategy established by ICAO to resolve safety related deficiencies;  
and

*Noting* the acceptance on 18 July 2007 by the Council of the amended Global Aviation Safety Plan (GASP);

*The Assembly:*

1. *Stresses* the need for a reduction in the number and rate of fatal accidents in air transport operations in all parts of the world and particularly in regions where the rate is significantly higher than the worldwide average;

2. *Urges* Contracting States and the industry to apply the GASP and Global Aviation Safety Roadmap principles and objectives and to implement its methodologies in partnership with all concerned stakeholders to reduce the number and rate of aircraft accidents;

3. *Urges* Contracting States to demonstrate the political will necessary for taking remedial actions to address deficiencies including those identified by Universal Safety Oversight Audit Programme (USOAP) audits and through the application of GASP methodologies and the ICAO regional planning process;

4. *Urges* Contracting States to reinforce the global aviation safety framework by:

- a) sharing appropriate safety-related information among States, all other aviation stakeholders and the public;
- b) expeditiously implementing safety management systems across the aviation industry to complement the existing regulatory framework;
- c) promoting a just culture by creating an environment in which the reporting and sharing of information is encouraged and facilitated and in which remedial action is undertaken in a timely fashion when deficiencies are reported; and
- d) reporting accident and incident data as required to ICAO;

5. *Urges* States to fully exercise safety oversight of their operators in full compliance with applicable Standards and Recommended Practices (SARPs), and assure themselves that foreign operators flying in their territory receive adequate oversight from their own State and take appropriate action when necessary to preserve safety;

6. *Urges* States to develop sustainable safety solutions to fully exercise their safety oversight responsibilities. This can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and sub-regional safety oversight organizations and the expertise of other States;

7. *Urges* Contracting States, the industry and financing institutions to provide the needed support for the coordinated implementation of the ICAO Global Aviation Safety Plan; avoiding duplication of efforts.

## **APPENDIX B**

### **Global Air Navigation Plan**

*Whereas* enhancement of the efficiency of aviation operations is a key element of the ICAO Strategic Objectives;

*Having adopted* Resolution A35-15, a consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems; and

*Noting* the acceptance on 30 November 2006 by the Council of the new version of the Global Air Navigation Plan (GANP);

*The Assembly:*

1. *Calls* upon States, Planning and Implementation Regional Groups (PIRGs) and the aviation industry to utilize the guidance provided in the GANP for planning and implementation activities;
2. *Urges* Contracting States, industry and financing institutions to provide the necessary support for coordinated implementation of the GANP, avoiding duplication of effort;
3. *Instructs* the Council to ensure that the GANP is continuously maintained up-to-date in light of further operational and technical developments, in close collaboration with States and other stakeholders; and
4. *Urges* the Council to facilitate the development and monitor the implementation of regional, sub-regional and national plans on the basis of the GANP.

## **27.2 Wake turbulence safety problems**

27.2.1 A36-WP/193, presented by the Russian Federation, examined the problem of wake turbulence from the viewpoint of flight safety and increasing airspace capacity. The paper briefly described a systems approach to a resolution of this problem and how it is applied in practice. The paper further proposed that the ICAO Technical Work Programme be amended to include the development of basic requirements for airborne and ground wake turbulence prevention and indication systems.

27.2.2 The Secretary indicated that the Air Navigation Commission was actively involved in work on wake turbulence and would certainly take this paper into account in its future work, which would also consider information on wake turbulence encounters and the results of a working group on wake turbulence categorization and separation minima. This course of action was accepted by the Commission.

— END —